

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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|--------------------------------|---|---------------------------------------|
| ERIC L. JEFFRIES, | : | |
| | : | Case No. C-1-02-351 |
| Plaintiff, | : | |
| | : | (Judge Beckwith) |
| vs. | : | (Magistrate Judge Hogan) |
| | : | |
| CENTRE LIFE INSURANCE COMPANY, | : | <u>AFFIDAVIT OF WILLIAM R.</u> |
| et al., | : | <u>ELLIS</u> |
| | : | |
| Defendants. | : | |

STATE OF OHIO)
) ss.;

COUNTY OF HAMILTON)

I, William R. Ellis, being first duly cautioned and sworn, state as follows:

1. I am over 18 years of age and make this statement based on personal knowledge.
2. I am trial counsel of record in the above-captioned case.
3. During the course of this case, my office has on several occasions attempted to get

Mr. Roberts to respond and advise regarding his availability for discovery depositions.

4. Mr. Roberts' practice is not to respond to our requests regarding his availability.

5. During a conference with the Court, Mr. Roberts advised that if he does not respond to a request regarding availability we can assume that means he is available.

6. On the morning of October 17, 2003, when Mr. Roberts had not arrived for Dr. Fritz's 8:30 a.m. deposition I contacted his office via phone. I was advised that they would attempt to get a hold of him.



7. I delayed the deposition of Dr. Fritz for 40 minutes. When it became apparent that Mr. Roberts would not be attending, I proceeded. I continued the deposition in progress so that Mr. Roberts would have an opportunity to cross-examine if he so chooses.

8. At no time did Mr. Roberts advise me that he was unavailable the morning of October 17, 2003.

9. I recall that Mr. Roberts told me that his brother was getting married and that because of family obligations he would not be available the afternoon of October 17, 2003.

Further affiant sayeth naught.


William R. Ellis

Sworn to and subscribed in my presence this 31st day of October 2003.


Notary Public

190429.1



KRISTIN K. KNOLL
Notary Public, State of Ohio
My Commission Expires May 19, 2004